

**MINUTES OF THE
IDAHO STATE BOARD OF PHARMACY
July 9, 2010**

Hilton Garden Inn - Spectrum
Boise, Idaho

This meeting of the Board is held to conduct regular Board business.

Chairman Holly Henggeler, Pharm D, called the meeting to order at 8:00 a.m. In attendance were Board members Berk Fraser, R.Ph.; Nicole Chopski, Pharm D; Kitty Gurnsey and Rich de Blaquiére, Pharm D; Mark Johnston, R.Ph, executive director; Jenifer Marcus, DAG; Fred Collings, Chief Investigator, and Ellen Mitchell.

Dr. Chopski motioned to approve the minutes of the June 3, 2010 meeting with minor corrections. Ms. Gurnsey seconded, motion carried unanimously.

C. Taylor Neilson, R.Ph. presented the most recent workings of the Institutional Rules Review Committee (IRRC): Minimum Responsibilities of a Director and Minimum Responsibilities of an Institutional Facility that Contains an Institutional Pharmacy. The Board is grateful for the time and effort put into this project and requests that Mr. Johnston return with a presentation on quality assurance and improvement programs; Dr. Henggeler thanked Mr. Neilson and the committee for their input.

Lynette Berggren and Mr. Johnston presented an update on the rules rewrite project, including a new section entitled drug outlet minimum standards. In addition to formatting changes, the Board requested the following changes to proposed language:

- Clarifying language in regard to a prohibition to postdating CII prescription drug orders.
- Clarifying that registrants who are subject to the unprofessional conduct rule include technicians.
- Elimination of the requirement to carry a stock or supply of drugs.
- Elimination of the proposal for an external monitoring system, retaining proposed language that requires alarm systems, for new and remodeled pharmacies.
- Retain the need for locks, but not deadbolt locks and locking doorknobs due to concern over fire code.
- Elimination of the proposed requirement to post closure information in a printed publication, such as a newspaper.

After discussion regarding the recent changes to IC 54-1718 requiring fingerprinting of new applicants, the Board directed Staff to fingerprint all new applicants regardless of whether they have been printed by another agency.

Mr. Johnston presented several scenarios concerning 'grandfathered' technicians and asked for direction from the Board. After discussion the Board determined that no rule change is needed and rule 251.07.f should be enforced as written.

Larry Munkelt, R.Ph. Director of Pharmacy St Alphonsus RMC (SARMC), requested clarification from the Board regarding telepharmacy across state lines. Mr. Munkelt requested the Board approve SARMC's use of pharmacists outside of Idaho and not licensed in Idaho to complete data entry of prescription information into their new computer system during conversion. This issue at hand is whether this is the practice of pharmacy or not, as defined by IC 54-1704. After much discussion, Dr. de Blaquiére motioned to deny the request; motion died for lack of a second. Ms. Gurnsey motioned to allow the request. Mr. Fraser seconded, and after discussion the motion failed with Ms. Gurnsey in favor. Dr. Chopski motioned to deny the request. Mr. Fraser seconded and the motion carried with 3 for 1 against.

Mr. Johnston presented the Board's letter to Retail Veterinary Drug Outlets (VDO), explaining that the Idaho Wholesale Drug Distribution Act is in conflict with Board rule #358 and that the Board proposes to strike said rule. If VDOs are to continue wholesaling, a statute change will be necessary. The Board approves of the 2011 promulgation of the striking of rule #358.

Cody Bright, ISU Pharm D candidate presented his research on prescribers delivering legend drugs. The Board is very concerned over public safety pertaining to this unregulated practice. Mr. Johnston reported that the Idaho Board of Medicine considered the Board's recent letter on the topic at their past meeting and has invited Mr. Johnston to discuss the topic at the next Board of Medicine meeting on 9/10/10. Mr. Johnston will attend and also speak to the Board's 2011 proposed statute and rule changes. Mr. Johnston presented draft language mandating that prescribers who deliver legend drugs must submit controlled substance data to the Prescription Monitoring Program. The Board approved.

Mr. Johnston and Mr. Bright presented proposed rule #166 on immunizations. The Board directed a change to the term "high risk patient", clarify that the one credit hour of CE is part of and not in addition to the existing 15 hour requirement, address reporting requirements for patients without a primary care provider, and address where records must be kept, if a pharmacist is not employed by a pharmacy. The Board is to promulgate said rule for 2011.

Mr. Johnston informed the Board that Section 54-1749 lies within the Out-of-State Mail Service Pharmacy Licensing Act, he proposed a 2011 move to a section that pertains to all practice settings. The Board agreed, but directed Mr. Johnston to ensure that the move doesn't eliminate the requirements on mail service pharmacy.

Mr. Johnston presented 2011 proposed housekeeping language to section 54-1729, Idaho Code. The Board approved.

Mr. Johnston rescinded proposed language that would impose a criminal penalty for the attempt to obtain information from the Prescription Monitoring Program fraudulently, as current Idaho Code that imposes ½ of the penalty for a crime for attempting to commit any crime. The Board agreed.

Mr. Johnston presented 2011 proposed changes to 3 sections of Idaho code and 9 Board rules that would allow the electronic prescribing of controlled substances in conjunction with recent federal changes. The Board approved and directed Mr. Johnston to incorporate proposed language from the rules rewrite project into the 9 rules affected.

Mr. Johnston presented 2011 draft language that would allow limited dispensing for pharmacists. The limited dispensing is only for schedule V controlled substances that are allowed to be sold by a pharmacist without a prescription in current rule. By placing on a prescription, this dispensing information is reported to the Prescription Monitoring Program (PMP). The Board believes that the public's health care needs will be better served, lowering health care costs, when pharmacists gain the confidence to dispense these drugs and report them to the PMP.

Charles Davis, R.Ph. requested a modification to his current Board Order. Mr. Davis is currently on probation until May 2011, he requested early release from his probationary period. Ms. Gurnsey motioned to grant Mr. Davis' request, motioned died for lack of a second. Mr. Fraser motioned to deny the request, Dr. de Blaquiére seconded. After discussion the motion carried 2 -1 with Dr. Chopski abstaining.

Pharmacy Technician applicant Naomi Kingsbury requested the Board reconsider her application. Ms. Kingsbury's application was denied by Board staff due to legal issues. Ms. Kingsbury is currently in Walgreen's management training program and must obtain a technician in training registration in order to advance with the company. Mr. Fraser motioned to approve her application, Ms. Gurnsey seconded. Motion carried 3 to 1 with Dr. Chopski opposed.

Mr. Johnston presented a waiver request for Certified Pharmacy Technician applicant Nancy Barberis. Ms. Barberis has been a technician for twenty years and has passed her PTCB certification exam. She is requesting a waiver of the high school graduation

requirement. Dr. Chopski motioned to approve the request, Ms. Gurnsey seconded. Motion carried with 3 for, Mr. Fraser abstained.

Mr. Johnston presented the Board travel calendar. Dr. Chopski and Dr. Henggeler are interested in attending the NABP meeting in Chicago and New Mexico.

Mr. Johnston indicated that fiscal year ending financial data has not been complied, and it will be presented at the 8/12/10 meeting.

The Board prepared for a tour of the Idaho State Capital.

Mr. Fraser motioned to adjourn, Dr. Chopski seconded. Motion carried unanimously. Meeting adjourned at 2:43 p.m.